

August 10, 2020 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, August 10, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John Radford (via WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman (via WebEx)
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

Brad Cramer, Community Development Services Director
PJ Holm, Parks and Recreation Director
Dana Kirkham, Funland Committee Chair
David Pennock, Idaho Falls Zoo Executive Director
Tim McCammon, Idaho Falls Zoo Supervisor
Bryce Johnson, Police Chief
Joel Tisdale, Police Captain
Bill Squires, Police Captain
Jeremy Galbreath, Police Captain
Jessica Clements, Police Public Information Officer
Julie Combe, Human Resources Manager
Pamela Alexander, Municipal Services Director
Ed Morgan, Civic Center for the Performing Arts Manager
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with the following items:

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Smede, to receive the recommendations from the Planning and Zoning Commission meeting of August 4, 2020 pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Calendars, Announcements and Reports

August 12, Elected Officials call with Governor Brad Little
August 13, Idaho Falls Power Board Meeting and City Council Meeting
August 14, Costco Ribbon Cutting
August 17-18, Utah Associated Municipal Power Systems (UAMPS) Meetings

Mayor Casper stated due to a misprint in the newspaper on August 2, the legal threshold for the public hearing for the budget was not met. Therefore, the public hearing for fees will be held on August 13, the public hearing for the budget will be held on August 20, and the final budget approval will occur on August 27. An additional meeting will also be held on August 21 for follow-up budget discussion.

Coronavirus (COVID-19) Update:

Mayor Casper stated Eastern Idaho Public Health (EIPH) has called a meeting for August 10 regarding the COVID pandemic and consideration of orders in several counties. She noted the infection rates over the previous weekend

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have required this additional discussion by EIPH. She also noted Bonneville County has strayed into the orange zone. The County may move to the next level if the higher number of cases remains for three (3) consecutive days. Mayor Casper believes the number of cases should be lowering (which is not occurring), mask wearing is not being taken seriously, and social gathering/activities are not being limited. She indicated there will be an additional push from EIPH. She believes, per the Chamber of Commerce, businesses will not survive a second shutdown. This must be taken seriously. Mayor Casper stated additional discussion will occur with department directors regarding masking and City services. She noted there will be a new Slow Our Spread (SOS) campaign.

Liaison Reports and Council Concerns:

Council President Dingman had no items to report.

Councilor Francis had no items to report.

Councilor Hally stated the Idaho Falls Fire Department (IFFD) is working on contractual memos with Bonneville County, Jefferson County, and Bingham County regarding fees; several IFFD individuals and equipment have been deployed for wildland fires; and, the IFFD is waiting to see if the radio system will fall under the criteria for Coronavirus Aid, Relief, and Economic Security (CARES) Act money. Mayor Casper noted the internal process for spending any CARES money is still being reviewed. Councilor Hally also stated the Medicaid expansion could potentially help the ambulance service.

Councilor Smede had no items to report.

Councilor Freeman stated seal coating is continuing on several streets, there is a total of 55 streets receiving seal coating. He also stated Park Avenue is closed for construction.

Councilor Radford had no items to report.

Mayor Casper noted she intends to have a presentation at the August 24 City Council Work Session by School District 91 Superintendent George Boland regarding a school response plan.

Follow-up Discussion regarding Hearing Procedures:

Director Cramer indicated the Planning and Zoning (P&Z) Commission believes staff presentation is far more detailed at the P&Z level than the Council level. He requested Council input regarding the applicant presenting first followed by staff (per the change at the July 30 City Council Meeting). Councilor Francis questioned if the applicant would be able to reappear following any opposition. Director Cramer stated that is part of the normal process. Councilor Hally believes hearing from the applicant first eliminates any in-house bias. He supports the applicant presentation first. Council President Dingman believes there were well-prepared applicants at the July 30 City Council Meeting, however, she believes this may not always be the case. She liked the thoroughness of staff presentation first as there may be discrepancies from the applicant. Per Council President Dingman, Director Cramer stated a guidance document could be prepared. Councilor Radford liked the format, although he believed the letters/emails were a bit prejudicial and they took a long time to read, especially at last minute. Mayor Casper believes there are current testimony issues due to COVID. Director Cramer agreed although he believes any individual attending a public meeting should have the opportunity to be heard as this is part of due process. Mayor Casper questioned expanding the boundary for notification of any public notice beyond the 300 feet of the impacted individuals. Director Cramer would not recommend this. He stated the 300 feet is from State Statute. Councilor Francis believes the Council could analyze the letters better if they are received prior to the meeting. Mayor Casper indicated the agenda outlines a timeframe, although this is not always followed. Director Cramer stated code procedures may need to be adjusted if this process continues.

Funland Update:

Ms. Kirkham expressed her appreciation for the proposed City funds for Funland, she believes this shows a commitment from the Council. She stated committee members include Eric Wright, Carrie Athay, Shauna Crabtree, and Brandon Lee. The committee is looking for two (2) additional members that may have some marketing influence and that may be in the younger demographic. Ms. Kirkham stated signage has been posted at Tautphaus Park indicating Funland is being improved. She distributed the tentative Funland schedule, with activity beginning in 2020 and wrap-up in 2023. The goal is to have a soft opening in 2021 with a grand opening in 2022 as the 75th year anniversary. Ms. Kirkham stated the number one (1) priority for Funland is to ensure the rides are safe. She also

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stated the basics will be addressed first. She gave a brief update on the rides, noting the miniature golf will be relocated with potential business sponsors for each hole. Director Holm stated any unsafe items are being removed as needed.

Part IV. Idaho Falls Police Department (IFPD) Policies, Practices, and Procedures on Internal Affairs with Council Q&A - Citizen Review Boards, Citizen Complaint Management, and Internal Investigations:

Chief Johnson stated the IFPD wants to embrace continuous improvement when it comes to citizen complaints. He also stated all internal complaint policies and procedures were reviewed and updated approximately three (3) years ago, this is currently being reviewed again. Chief Johnson stated one (1) of the Core Values of the IFPD is trust. He read the definition of trust, noting trust is both given and received. The IFPD strives for internal trust and community trust. The IFPD wants to know if an officer is not performing to the expected standard so the opportunity to improve is given. Chief Johnson stated policing has changed as it has always been a reflection of society and the values that society holds. He noted the majority of the IFPD officers have less than five (5) years on the job. He is proud of today's IFPD. Chief Johnson stated his primary job is to evaluate and review complaints against officers. He noted there are a handful of reasons for complaints, including a mistake being made (the IFPD cannot correct the mistake if they don't know about it), an individual didn't like the outcome (they think the complaint will change the outcome, IFPD does not get involved in court administration), an individual believes they will get an officer in trouble (for revenge or a past experience), and a difference in perception (adrenalin dump). He stated body cameras have assisted with complaints, and is an invaluable tool for sorting out complaints. Chief Johnson stated the process for the receipt of complaints has changed (a complaint no longer must be signed) with the importance of the substance and information being used for any investigation. Complaints are received by multiple methods.

Chief Johnson stated any complaints for the internal investigation process is broken into two (2) categories, minor/informal and serious/formal. The goal of a minor/informal complaint is performance management and continuous improvement of an officer, which could result in a disciplinary process. This can become a serious/formal complaint if warranted additional information is received, or if there is a history of several minor/informal complaints and the behavior is not changing. Chief Johnson reviewed the serious/formal complaint process, stating the employee can be put on administrative leave pending a possible termination. If a criminal allegation is received, this is referred to an outside agency. An internal investigation will also occur. The packet of facts are reviewed by the captain with recommendations to the chief. The packet is then reviewed by the chief. Chief Johnson stated he works closely with Human Resources and Legal Staff to determine if the complaint is sustained or not sustained (allegation did occur, difference of perception). He noted there are currently 90 officers in different stages of training and approximately six (6) internal investigations per year have occurred in the last three (3) years. He also noted there has been an increase of serious allegations in the previous two (2) months. The draft policy includes improvements for internal investigation – more responsibility for lieutenants, with two (2) levels of supervisory review; and, tracking of minor/informal complaints. This may require new software. Chief Johnson briefly explained potential software packages. Per Mayor Casper, Captain Galbreath believes this software is affordable (less than \$20,000), and additional features could be activated with additional costs. Also per Mayor Casper, Chief Johnson stated each officer complaint would need to be evaluated on a case-by-case basis per the context of the complaint. Per Councilor Hally, Chief Johnson explained which items are included in the personnel file (sustained complaints and formalized praises) versus items included in the performance evaluation. Per Councilor Francis, Chief Johnson stated discussion will be occurring in the near future regarding a Police Foundation. Councilor Radford questioned the internal process for hiring a potential problematic officer. Chief Johnson believes this begins in the pre-employment hiring process. He reviewed the process for hiring an IFPD officer including the training process. He also believes another officer should have the duty to intercede when needed. Per Mayor Casper, Chief Johnson stated the IFPD has been inundated with compliments. He is actively trying to recognize these compliments within the department.

Chief Johnson believes the Idaho Falls model of the Citizens Review Committees (CRC) puts citizens and officers on the same side to work together. The CRC is used in all cases where any deadly force incident triggers a report and recommendation. Chief Johnson described a recent investigation which resulted in the same recommendation from the CRC and the officers. He will be reviewing the process for the use of force committees in the future. Per Mayor Casper, Chief Johnson clarified a vehicle could be used in a deadly force situation. Per Councilor Hally, Chief Johnson stated there is a 90-day time limit to complete an investigation and have a report completed. Per Councilor

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Francis, Chief Johnson believes minor improvements, including pre-required training, could be made with the CRC. Council President Dingman expressed her appreciation for the potential changes to the citizen's complaints process as she believes data matters to the Council and the community.

Chief Johnson stated the use of force, although it's only a small percentage of work performed, is a big deal to the community and police officers. He described numerous events (including several events that have occurred in the previous 6-8 weeks) of IFPD officers. He noted ten (10) individuals were saved due to IFPD officers. He also stated, on average, an officer will receive ten (10) attempts on his/her life during the course of his/her police career. Chief Johnson highly commended the individuals at the IFPD and stated he is honored to be part of the IFPD. He expressed his appreciation to the elected officials for their support. Per Mayor Casper, Chief Johnson is unsure if the COVID pandemic has impacted recent events/occurrences.

It was then moved by Councilor Francis, seconded by Council President Dingman, to move into Executive Session (at 4:57 p.m.). The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into regular Work Session. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Executive Session, Monday, August 10, 2020 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 5:04 p.m.

There were present:

- Mayor Rebecca L. Noah Casper
- Councilmember Michelle Ziel-Dingman
- Councilmember Thomas Hally
- Councilmember Jim Francis
- Councilmember Shelly Smede
- Councilmember Jim Freeman (via telephone)
- Councilmember John Radford (via telephone)

Also present:

- Chris Fredericksen, Public Works Director
- Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the meeting adjourned at 5:10 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor